**SEPTEMBER 5, 2019 BERGEN TOWN BOARD PUBLIC HEARING**

The Bergen Town Board convened in a regular session at 7:00 p.m. at the Byron-Bergen School Auditorium with Supervisor Haywood presiding with a Public Hearing for the Establishment of Water Improvement Benefit Area #1.

The notice of Public Hearing was published in The Daily News, Bergen Website and bulletin boards.

**PRESENT:**  **ALSO PRESENT:**

Supervisor Ernest Haywood Michele M. Smith, Town Clerk

Councilman Mark Anderson Mike Johnson, Highway Superintendent

Councilwoman Belinda Grant

Councilwoman Sapienza

**ABSENT:**

Councilman James Starowitz

**OTHER ATTENDEES:**

Daniel Bryson, Town Attorney

Paul Chatfield, MRB

Emilio Moran, MRB

Charles Bastian, Bernard Donegan

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**Open Public Hearing** *Councilwoman Sapienza made a motion to open the Public Hearing at 7:00 pm with approximately 35 residents in attendance; seconded by Councilman Anderson and carried by a vote 4-0.*

Paul Chatfield from MRB explained the cost and construction of the district to the residents.

**Close Public Hearing** *Councilwoman Grant made a motion to close the Public Hearing at 7:42 pm; seconded by Councilwoman Sapienza and it carried by vote 4-0.*

*Councilman Anderson made a motion to adopt Resolution #15 -2019 Establishing Water Benefit Area #1 ; seconded by Councilwoman Grant and it carried by a vote 4-0.*

**RESOLUTION #15-2019**

**ESTABLISHING WATER IMPROVEMENT BENEFIT**

**AREA NO. 1 PURSUANT TO ARTICLE 12 OF THE TOWN LAW**

WHEREAS, previous hereto, a map, plan, and report have been prepared by Chatfield Engineers n/k/a MRB Group (“MRB”) in such manner and in such detail as heretofore determined by the Town Board relating to the establishment of a proposed water district, to be known and designated as Water Improvement Benefit Area No. 1 in the Town of Bergen (the “Town”), and

WHEREAS, on or about August 30, 2019, the Town Board was presented with a petition(s) for the establishment of said water district, and

WHEREAS, the proposed action before the Town Board is limited to the creation of the water district (the “Project”), and

WHEREAS, the Town Board having previously declared itself Lead Agent pursuant to the State Environment Quality Review Act (“SEQR”) and having previously reviewed and accepted a long form environmental assessment of the Project prepared by LaBella Associates, and declared that based upon a review of the assessment, the Project will not have a significant adverse impact on the environment and issued a Negative Declaration under SEQR for the Project, and

WHEREAS, after MRB duly filed said map, plan, and report in the office of the Town Clerk of the Town, reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the cost to a typical user, the Town Board did conduct a public hearing on September 5, 2019 regarding the proposal to establish the water district to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, copies of the Notice of Public Hearing were duly published and posted according to law, and the Town Board did, at the time and place specified in said Notice, duly meet and consider said proposal and hear all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Bergen, in the County of Genesee, that it be and hereby is determined as follows:

1. The Petition(s) were duly signed and acknowledged as required by law and are otherwise sufficient;

2. All of the property and property owners within the proposed water district are benefited thereby;

3. All of the property and property owners benefited are included within the proposed water district;

4. It is in the public interest to establish the proposed water district as hereinafter described, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a water district as hereinafter described to be known as Water Improvement Benefit Area No. 1, in the Town of Bergen (the “District”), the boundaries of which are set forth more particularly in the attached Schedule A; and be it

FURTHER RESOLVED, that the following improvements in the District will be installed with the required funds being made available or provided for: the installation of approximately 163,720 linear feet of 8”, 10” and 12” diameter water main, valves, hydrants, services and appurtenances along various roads in the Town of Bergen as set forth and in the map, plan and report on file in the Office of the Town Clerk of the Town; and be it

FURTHER RESOLVED, that the proposed improvements, including costs of the physical improvements, construction costs, legal fees, and other expenses in the amount of $8,950,000.00 to be offset by a United States Department of Agriculture grant of $3,058,000 will be borne by the properties within the District on a benefits basis; and be it

FURTHER RESOLVED, that the total annual cost for a typical user of the District is estimated at $924.94 and as such formation of the District will be subject to the approval of the Office of the State Comptroller; and be it

FURTHER RESOLVED, that the proposed method to be employed for financing such improvement is projected as follows:

The cost of the water district construction would be paid through a benefit based assessment against the properties within the proposed water district. It is anticipated that the project cost will be financed by the issuance of one or more bonds of the Town, to be paid over 38 years at an estimated interest rate of 2.5% per annum to be reduced by a grant from the United States Department of Agriculture & Rural Development; and be it

FURTHER RESOLVED, that the total first year cost for an average user of the proposed Water Improvement Benefit Area No. 1 is estimated at $2,564.94 broken down as follows: Installation of Water Service $1,200; Internal Plumbing Changes $200.00; Repayment of Bonds $557.04; Annual Meter Account Fee $240.00; Repair Reserve $20.00; and Purchase of Water $347.90.

**NEXT MEETING:** Regular Meeting – Wednesday, September 11, 2019 at 6:30 PM Joint meeting with Village Trustees at the Village Hall with the audit of the bills at 6:15 p.m.

**ADJOURNMENT** *was at 7:45 pm on a motion by Councilwoman Sapienza; seconded by Councilman Anderson and it carried by a vote 4-0.*

Respectfully submitted,

**Michele M. Smith**

Michele M. Smith,

Town Clerk